UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,194	10/29/2001	Garland Phillips	29505/PF02194NA	5086

20280	7590	11/02/2005

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EXAMINER
WEST, LEWIS G

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 September 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-3,6-12,15-18,20-25 and 27-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-3,6-12,15-18,20-25 and 27-32_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _29 October 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Arguments

1.   Applicant's arguments filed September 6, 2005 have been fully considered but they are not persuasive.

Whether applicant chooses to use the term "operating information" or "resource information" to refer to a set of properties is not patentably distinct. Further, inherency is not an improper basis of rejection under 35 USC 102, which is to say an inherent property or limitation can still anticipate the claim. By agreeing that these aspects are inherent applicant only reinforces the examiner's position. Further, applicant uses alternative language, so that only one of these limitations must be met. However, applicant has not claimed that display capability, input capability, link cost, device type, latency or power of the first device but that "information associated with" these properties is transmitted. And by indicating on line presence, information is thereby communicated that the device meets the minimum requirements of each of these properties in order to establish the online connection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-4, 6-13, 15-18, 20-25 and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan et al (US 6,301,609).

Regarding claim 1, Aravamudan discloses, in a communication system, the

communication system providing real-time communication service to a plurality of subscribers,

wherein a first subscriber is in communication with a second subscriber, a method for providing

resource information associated with a wireless device to the second subscriber comprising:

providing real-time communication service to a first device and a second device, the first device

being a wireless device; gathering device resource information associated with the first device;

wherein receiving resource information associated with the first device comprises receiving the

resource information associated with display capability, input capability, link cost, device type,

latency or power of the first device; (Col. 9 lines 45-63) and transmitting the device resource

information to the second device. (Column 3 lines 26-52, Col. 6 lines 64-Col. 7 line 40)

Regarding claim 2, Aravamudan discloses the method of claim 1, wherein providing the

real-time communication service to a first device and a second device comprises providing one

of instant messaging service and group chat service to a first device and a second device. (Col. 6

line 64- col. 7 line 20)

Regarding claim 3, Aravamudan discloses the method of claim 1, wherein receiving

resource information associated with the first device comprises receiving resource information

associated with the first device in response to a trigger event, wherein the trigger event comprises

one of a registration, a subscriber input and a change in status. (Col. 7 line 21-40)

Regarding claim Aravamudan discloses 6, the method of claim 1, wherein receiving

resource information associated with the first device comprises receiving resource information

associated with one of a cellular telephone, a pager, and an electronic planner. (Col. 3 lines 26-

37).

Regarding claim 7, Aravamudan discloses the method of claim 1, wherein transmitting

the resource information to the second device comprises transmitting the resource information to

a device operable to generate one of an icon, a graphic image, a textual message, and an audio

message based on the resource information. (Col.7 lines 21-40)

Regarding claim 8, Aravamudan discloses the method of claim 1, wherein transmitting

the resource information to second device comprises transmitting the resource information to one

of a wireless electronic device and a wired electronic device. (Col. 3 lines 26-37; col. 7 lines 21-

40)

Regarding claim 9, Aravamudan discloses in a communication system, the

communication system providing realtime communication service to a plurality of subscribers,

wherein a first subscriber is in communication with a second subscriber, and wherein a

communication network is adapted to provide resource information associated with a wireless

device to the second subscriber (Col. 6 lines 64-Col. 7 line 40), the communication network

comprising: a memory; a communication server coupled to the memory, the real-time

communication server being operable to provide real-time communication service to a first

device and a second device, the first device being a wireless device; the communication server

being operable to gather device resource information including resource information associated

with the first device, wherein the resource information comprises the resource information

associated with display capability, input capability, link cost, device type, latency, or power of

the first device. (Col. 9 lines 45-63) and the communication server being operable to transmit the

device resource information to the second device. (Col. 3 lines 53-Col. 4 line 53)

Regarding claim 10, Aravamudan discloses the communication network of claim 9, wherein the communication server comprises a server being operable to provide one of instant messaging service and group chat service to a first device and a second device. (Col. 6 line 64-col. 7 line 20)

Regarding claim 11, Aravamudan discloses the communication network of claim 9, wherein the real-time communication server comprises a real-time communication server being operable to receive resource information associated with the first device in response to a trigger event, the trigger event being one of a registration, a subscriber input, and a change in status. (Col. 7 line 21-40)

Regarding claim 12, Aravamudan discloses the communication network of claim 11, wherein the registration includes the resource information associated with the first device. (Col. 7 line 21-40)

Regarding claim 15, Aravamudan discloses the communication network of claim 9, wherein the resource information associated with the first device comprises resource information associated with of one of a cellular telephone, a pager, and an electronic planner.

Regarding claim 16, Aravamudan discloses the communication network of claim 9, wherein the communication network comprises an Internet Protocol (IP) network. (Col. 3 lines 63-66)

Regarding claim 17, Aravamudan discloses in a communication system, the communication system providing realtime communication service to a plurality of subscribers, wherein a first subscriber is in communication with a second subscriber, a method for providing resource information associated with a wireless device to the second subscriber comprising:

participating in real-time communication service with a first device, the first device being a

wireless device; gathering device resource information including resource information associated

with the first device; and generating on the second device an indication to the user of the second

device based on the device resource information associated with the first device. (column 3 lines

26-52, Col. 6 lines 64-Col. 7 line 40) wherein receiving resource information associated with the

first device comprises receiving the resource information associated with at least one of display

capability, input capability, link cost, device type, latency and power of the first device. (Col. 9

lines 45-63)

Regarding claim 18, Aravamudan discloses the method of claim 17, wherein participating

in real-time communication service with the first device comprises participating in one of instant

messaging service and group chat service with the first device. (Col. 6 line 64- col. 7 line 20)

Regarding claim 20, Aravamudan discloses the method of claim 17, wherein receiving

resource information associated with the first device comprises receiving resource information

associated with one of a cellular telephone, a pager, and an electronic planner. . (Col. 3 lines 26-

37)

Regarding claim 21, Aravamudan discloses the method of claim 17, wherein generating

an indication based on the resource information associated with the first device comprises

generating an icon, a graphic image, a textual message, and an audio message based on the

resource information. (Col. 7 line 21-40)

Regarding claim 22, Aravamudan discloses in a communication system for providing

real-time communication service to a plurality of subscribers, wherein a first subscriber is in

communication with a second subscriber, and wherein a server operates in accordance to a

computer program embodied on a computer-readable medium for providing resource information

associated with a wireless device to the second subscriber, the computer program comprising: a

first routine that directs the server to provide real-time communication service to a first device

and a second device, the first device being a wireless device; a second routine that directs the

server to gather device resource information including resource information associated with the

first device; and a third routine that directs the server to transmit the device resource information

to the second device for display to a user. (Col. 6 lines 64-Col. 7 line 40) wherein the second

routine comprises a routine that directs the server to receive information associated with display

capability, input capability, link cost, device type, latency or power of the first device. (Col. 9

lines 45-63)

Regarding claim 23, Aravamudan discloses the computer program of claim 22, wherein

the first routine comprises a routine that directs the server to provide one of instant messaging

service and group chat service to a first device and a second device. (Col. 6 line 64- col. 7 line

20)

Regarding claim 24, Aravamudan discloses the computer program of claim 22, wherein

the second routine comprises a routine that directs the server to receive resource information

associated with the first device in response to a trigger event, the trigger event comprises one of a

registration, a subscriber input and a change in status. (Col. 7 line 21-40)

Regarding claim 25, Aravamudan discloses the computer program of claim 22, wherein

the second routine comprises a routine that directs the server to receive status information and

the resource information associated with the first device. (Col. 7 line 21-40)

Regarding claim 27, Aravamudan discloses the computer program of claim 22, wherein
the second routine comprises a routine that directs the server to receive resource information
associated with one of a cellular telephone, a pager, and an electronic planner. . (Col. 3 lines 26-
37)

Regarding claim 28, Aravamudan discloses the computer program of claim 22, wherein
the third routine comprises a routine that directs the server to transmit the resource information
to a device operable to generate one of an icon, a graphic image, a textual message, and an audio
message based on the resource information. (Col. 7 line 21-40)

Regarding claim 29, Aravamudan discloses the computer program of claim 22, wherein
the third routine comprises a routine that directs the server to transmit the resource information
to one of a wireless electronic device and a wired electronic device. . (Col. 3 lines 26-37; Col. 7
line 21-40)

Regarding claim 30, Aravamudan discloses the computer program of claim 22, wherein
the medium comprises one of paper, a programmable gate array, application specific integrated
circuit, an erasable programmable read only memory, read only memory, random access
memory, magnetic media, and optical media. . (Col. 3 lines 26-37)

Regarding claim 31, Aravamudan discloses the method of claim 1, wherein displaying
the device resource information associated with the first device comprises generating one of
more of a graphical icon, a graphic image, a textual message or an audio message. (column 3
lines 26-52; Col. 9 line 64-col. 10 line 15)

Regarding claim 32, Aravamudan discloses the method of claim 17, wherein generating
on the second device an indication to the user of the second device comprises generating one or

more of a graphic icon, a graphic image, a textual message, or an audio message. (column 3 lines

26-52; Col. 9 line 64-col. 10 line 15)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The

examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Quochien B. Vuong can be reached on 571-272-7902. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lewis West
(571) 272-7859

10/27/05

QUOCHIEN B. VUONG
PRIMARY EXAMINER